

## MEETING MINUTES

### MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

**Wednesday, March 11, 2015**

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| <b>I. PLEDGE OF ALLEGIANCE</b>             | <b>Chair Mandal</b> called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.  |
| <b>II. ROLL CALL/ SEATING OF ALTERNATE</b> | <p><b>Commissioners</b></p> <p><b>Present:</b> Chair Sudhir Mandal, Vice Chair Larry Ciardella, Commissioners Gurdev Sandhu, Rajeev Madnawat, Hon Lien, Ray Maglalang, Alternate Member Zeya Mohsin</p> <p><b>Absent:</b> Commissioner Morris</p> <p><b>Staff:</b> Steven McHarris, Johnny Phan, Adam Petersen</p>  |
| <b>III. PUBLIC FORUM</b>                   | <b>Chair Mandal</b> invited members of the audience to address the Commission and there were no speakers.   |
| <b>IV. APPROVAL OF MEETING MINUTES</b>     | <p><b>Chair Mandal</b> called for approval of the February 25, 2015 meeting minutes of the Planning Commission.</p> <p><b>Motion</b> to approve Planning Commission meeting minutes as submitted.</p> <p>Motion/Second: Vice Chair Ciardella/Commissioner Madnawat</p> <p>AYES: 7</p> <p>NOES: 0</p> <p>ABSTAIN: 0</p>  |
| <b>V. ANNOUNCEMENTS</b>                    | <p>Commissioner Maglalang attended the League of California Cities 2015 Planning Commissioners Academy and said AB1234 Ethics training was provided and he learned a lot at the conference, which covered many topics including affordable and inclusionary housing, and municipal budget and finance. He then distributed his notes from the conference to the commissioners.</p> <p>Commissioner Lien said she will put notes together and share them with the commissioners. She added that a similar training will be held in San Jose from September 30 – October 2<sup>nd</sup>. She and Commissioner Maglalang recommend the other commissioners attend.</p> <p>Chair Mandal said he received a notice of acquisition from the Milpitas Unified School District stating they are in the process of acquiring 2.7 additional acres adjoining the McCandless property.</p> |

**VI. CONFLICT OF INTEREST**

**Assistant City Attorney Johnny Phan** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

**VII. APPROVAL OF AGENDA**

**Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

**Motion** to approve the March 11, 2015 agenda as submitted.

Motion/Second: Commissioner Madnawat/Commissioner Mohsin

AYES: 7

NOES: 0

**VIII. CONSENT CALENDAR**

**No Items**

**IX. PUBLIC HEARING**

**IX-1**

**PUBLIC ART – Citywide** – The City of Milpitas is considering introducing a Public Art Ordinance. The proposed ordinance would charge certain development projects an in-lieu fee or has the potential to give applicants an option of constructing public art as part of the development proposal.

Project Planner Adam Petersen reviewed a PowerPoint presentation discussing public art projects and sample ordinances.

Vice Chair Ciardella asked if benches can be considered public art and Mr. Petersen said a bench art piece can be considered public art.

Commissioner Madnawat questioned art that may cost just \$1,000 and wondered who will decide what appropriate art is and Mr. Petersen said art proposals will be reviewed as part of site development permits. Commissioner Madnawat said staff is not an authority on determining what art is and said he proposes an amendment assuring that public art be reviewed by the Arts Commission.

Commissioner Madnawat asked why staff believes it is not a fee if someone does not want to install art and Mr. Petersen said it is an aesthetic requirement similar to architectural review. Commissioner Madnawat said if the ultimate goal is to have art around the city, why not remove that condition and install art, and questioned why there is an interest in getting money and how it will be spent. Mr. Petersen said the money contributed to the public art in lieu fund would be available for installing art throughout the city.

Commissioner Madnawat said every other city has had this policy for a long time and this is a good move for Milpitas.

Commissioner Maglalang feels 1% of the value of a project is a high amount when it is a large development and said there should be a cap on the amount. Mr. Petersen replied that other cities' ordinances surveyed do not include a cap.

Mr. McHarris said staff reviewed the art ordinance in a number of cities and did not see a cap applied to large projects. Art may be distributed over a large project and would not appear significant. He added that staff is not recommending placing a cap on the fee.

Commissioner Maglalang asked if projects under construction will be affected by this ordinance and Mr. Petersen said they will not be affected.

Vice Chair Ciardella feels there should be a cap, as the amount on some projects seems excessive.

Chair Mandal likes the concept and feels it should have come sooner. Mr. Petersen said there is a lot of build out in the TASP area and opportunities for future projects and public art especially in the Midtown Specific Plan.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Sandhu/Vice Chair Ciardella

AYES: 7

NOES: 0

Chair Mandal feels the Arts Commission should have a decision on the art that is selected, and he is not in favor of placing a cap on the fees.

Commissioner Madnawat wanted to make a motion with the addition of two conditions: 1) the Art Commission will review a proposed public art project for its artistic value and appropriateness in light of the size of the development project, and 2) the cost of the art project will not be the sole reason for rejecting the art project.

**Motion** to adopt Resolution No. 15-013 recommending the City Council adopt Zoning Amendment No. ZA15-0001 to amend the Zoning Code to add new provisions relating to Public Art Requirements for Private Development Projects, with the addition of two conditions: 1) the Art Commission will review a proposed public art project for its artistic value and appropriateness in light of the size of the development project, and 2) the cost of the art project will not be the sole reason for rejecting the art project.

Motion/Second: Commissioner Madnawat/Commissioner Mohsin

AYES: 6

NOES: 1 Ciardella

## **X. NEW BUSINESS**

**No Items**

## **XI. ADJOURNMENT** The meeting was adjourned at 7:40 PM to the next meeting scheduled on Wednesday, March 25, 2015.

**Motion** to adjourn to the next meeting.

Motion/Second: Commissioner Madnawat/Commissioner Sandhu

AYES: 7

NOES: 0

*Meeting Minutes submitted by  
Planning Secretary Elia Escobar*